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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,423	03/10/2004	George Christopher Dobrin	9181	4379

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EXAMINER

BAHTA, ABRAHAM

ART UNIT PAPER NUMBER

1744

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,423

Applicant(s)

DOBRIN ET AL.

Examiner

Abraham Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, line 2 recites "a non woven high loft batting material"; however, it is not clear if applicant is referring to the nonwoven high loft bating material recited in claim 1. Correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten et al (USP 6257785) in view of Girardot et al (USP 5,412,830) or USPAP (2005/0042261) (hereinafter referred as USPAP '261) or Taylor (USP 5,955,417).

Claim 1: Otten et al teach a disposable glove comprising a front panel, a back panel having a periphery wherein the front panel and back panel meet and form a seamless connection. The front panel has an inner surface and an outer surface that is opposite to the inner surface. The back panel has an inner surface and an outer surface that is opposite to the inner surface. See col. 3, lines 23-51. The glove further

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comprises an opening for inserting the user's hand. Otten et al teach the first or inner surface of the back panel and/or the second or outer surface of the front panel can comprise a fibrous material of non-woven material. See col. 4, lines 27-34. The glove is comprised of a selectively-activable sheet material which may be activated to deliver a substances such as gels, pastes, foams powder, agglomerated particles, perils, microencapsulated liquids, waxes, suspension and liquids which may be released when exposed to contact with external surfaces. See col. 4, line 54 through col. 5, line 9 and col. 7, lines 44-51.

Otten et al do not require the disposable glove to comprise a nonwoven high loft batting material; however, use of a nonwoven loft material in cleaning device is well known. Girardot et al teach the cleansing implement comprises a high loft material. See col. 6, line 3. USPAP '261 teaches a cleansing article comprising a nonwoven high loft batting material. See col. 4 paragraphs 0054 through page 5, paragraph 0057. Taylor teaches a device for cleaning and polishing surfaces wherein the device comprise a high loft nonwoven material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced either the front panel or back panel of the disposable glove with a nonwoven high loft material so that the cleaning glove may hold a predetermined cleaning composition in order to facilitate the cleaning of the desired surface to be cleaned.

Claim 2: Otten et al teach the glove may be differentially extensible wherein at least a portion of the glove extends and/contracts about a wearer's hand or wrist by utilizing a structural elastic-like film web. See col. 3, lines 52-67.

Claim 3: Otten et al at col. 3, line 62 through col. 4, line 16 teach the glove may be provided with differentially extensible by utilizing a structural elastic-like web of a single layer or a laminate of two or more layer.

Claim 4: Otten et al teach the disposable glove as described above. Otten et al do not require the glove to have a width between about 80 mm and about 125 mm; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the glove of Otten et al in a desired width, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Claims 5-6: Otten et al teach the glove is comprised of a selectively-activable sheet material which may be activated to deliver a substances such as gels, pastes, foams powder, agglomerated particles, perils, microencapsulated liquids, waxes, suspension and liquids which may be released when exposed to contact with external surfaces. See col. 4, line 54 through col. 5, line 9 and col. 7, lines 44-51. As to the limitation such that the first non-woven member comprises a C-folded around a nonwoven high lift batting as recited in claim 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have folded the non-woven material of Otten et al to ensure the mechanical strength of the glove.

Claim 11: Otten et al teaches the applicator comprises surfactants. See col. 4, lines 32-34.

Claim Rejections - 35 USC § 103

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten et al in view of Girardot et al or USPAP '261 or Taylor as applied to claim 1 above in view and further in view of Skews et al (USP 6,206,863).

Claims 7-8: Otten et al, Girardot, USPAP '261 and Taylor are discussed above. Otten et al do not specifically mention the non-woven material comprises natural fibers, synthetic fibers and combination thereof; however, Skews et al teach a mitt made of two non-woven layered sheet wherein the non-woven comprises cotton or polyester/cotton blend. See col. 6, lines 14-40.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have employed natural fibers, synthetic fibers and combinations thereof as disclosed by Skewes et al so that the mitt of Otten et al may absorb and hold a quantity of personal care composition.

Claim Rejections - 35 USC § 103

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten et al in view of Girardot et al or USPAP '261 or Taylor as applied to claim 1 above and further in view of WO/03/000106.

The references to Otten et al, Girardot et al, and USPAP'261 Taylor are discussed above. Otten et al do not require a polyolefin film attached to one of the inner side of the panels; however, WO '106 teaches a disposable mitt comprising a wetting

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side and a drying side. The wetting side of the mitt comprises a body portion (20), cuff portion (21), central portion (22) and distal portion (23). The drying side of the mitt comprises a body portion (20), cuff portion (21), central portion (22), distal portion (23) and absorbent core. The mitt has an internal cavity, which is accessible through an opening in the cuff portion, and extends inwardly to the distal portion, which is closed. The mitt has a front outer surface, a front inner surface, which corresponds to the wetting side of the mitt. The reference teaches a polyolefin film of polyethylene is attached to the inner side of the wet side. See page 6, last paragraph.

It would have been obvious to one of ordinary skill in the art at the time the interview was made to have attached a polyolefin film to one of the inner side of the panel disclosed in Otten et al so that the inner side of the panel may be impervious to fluids and protect the user's hand as taught by WO '106.

Claim 10: WO '106 teaches the film is polyethylene. See page 6, last paragraph.

Claim 11: Otten et al teaches the applicator comprises surfactants. See col. 4, lines 32-34.

Claim 12: WO '106 teaches the personal care composition may be a liquid, a gel, a lotion, a cream, a powder, a solid or any mixture thereof. See page 12 last paragraph.

Claim Rejections - 35 USC § 103

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otten et al in view of Girardot et al or USPAP '261 or Taylor as applied to claim 1 above and further in view of FR 2,813,777.

Otten et al, Girardot et al, USPAP and Taylor are discussed above. Otten et al do not require a printed matter on the exterior of one of the panels; however, FR '777 teaches a disposable glove comprising three superposed layer of different materials wherein the first layer is soft non-woven light cotton fiber, the second is absorbent nonwoven wadding material and the third impermeable film. The reference teaches the disposable glove comprises a written material. See page 3, lines 9-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the desired written/printed matter to the exterior surface of one of the panels of Otten et al in order to provide usage information or for aesthetic reasons.

Claim Rejections - 35 USC § 103

Claims 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten et al in view of Girardot et al or USPAP '261 or Taylor.

As discussed above, Otten et al teach the applicant's claimed invention except a nonwoven high loft batting material as recited in claim 14 and 20; however, use of a nonwoven loft material in cleaning device is well known. Girardot et al teach the cleansing implement comprises a high loft material. See col. 6, line 3. USPAP '261 teaches a cleansing article comprising a nonwoven high loft batting material. See col. 4 paragraphs 0054 through page 5, paragraph 0057. Taylor teaches a device for cleaning and polishing surfaces wherein the device comprise a high loft nonwoven material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced either the front panel or back panel of he

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disposable glove with a nonwoven high loft material so that the cleaning glove may hold a predetermined cleaning composition in order to facilitate the cleaning of the desired surface to be cleaned.

Claim 15: Otten et al at col. 3, line 62 through col. 4, line 16 teach the glove may be provided with differentially extensible by utilizing a structural elastic-like web of a single layer or a laminate of two or more layer.

Claim 16: Regarding the limitation such that the first non-woven member comprises a C-folded around a nonwoven high loft batting, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have folded the non-woven material of Otten et al to ensure the mechanical strength of the glove.

Claim 19: Otten et al teach the applicator comprises surfactants. See col. 4, lines 32-34.

Claim Rejections - 35 USC § 103

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten et al in view of Girardot et al or USPAP '261 or Taylor as applied to claim 14 above and further in view of Skews et al (USP 6,206,863).

Claims 17-18: Otten et al, Girardot, USPAP '261 and Taylor are discussed above. Otten et al do not specifically mention the non-woven material comprises natural fibers, synthetic fibers and combination thereof; however, Skews et al teach a mitt made of two non-woven layered sheet wherein the non-woven comprises cotton or polyester/cotton blend. See col. 6, lines 14-40.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have employed natural fibers, synthetic fibers and combinations thereof as disclosed by Skewes et al so that the mitt of Otten et al may absorb and hold a quantity of personal care composition.

Response to Applicant's Arguments/Remarks

The applicant argues that Otten et al fail to teach the nonwoven high loft batting material. The Examiner agrees; however, use of a nonwoven loft material in cleaning device is well known. Girardot et al teach the cleansing implement comprises a high loft material. See col. 6, line 3. USPAP '261 teaches a cleansing article comprising a nonwoven high loft batting material. See col. 4 paragraphs 0054 through page 5, paragraph 0057. Taylor teaches a device for cleaning and polishing surfaces wherein the device comprise a high loft nonwoven material.

With respect to Skewes the applicant argues that Skewes does not overcome lack of a teaching or suggestion of Otten et al of a nonwoven high loft batting material. The Examiner contends that Skewes is cited to show natural and/or synthetic fibers in a cleaning mitt. Skewes teaches a mitt made of two non-woven layered sheet wherein the non-woven comprises cotton or polyester/cotton blend. The applicant contends that the cleanse of Skewes is a liquid and the cleaning composition of the current application is in the form of a paste or dry solid; however, the Examiner notes that there is no mention of a cleaning composition in the form of a paste or dry solid in the instant claimed invention.

With respect to Wong (WO 03/000106), the applicant argues that there is no teaching as to why one of skill in the art would modify the glove of Otten et al to include the polyolefin film of Wong when Otten et al wants to deliver a substance to the user hand and Wong wants to ensure that a substance is not delivered to the user's hand. The Examiner contends that since Otten et al at col. 5, lines 10-23 teach that, if desired for particular applications, the glove may be provided with only one active side and one inactive side, it would be desirable to provide a polyolefin/polyethylene film to the inner side of one of the materials of the glove so that the inner side of the panel may be impervious to fluids and protect the user's hand.

The applicant argues that there is no teaching as to why one of skill in the art would modify the glove of Otten et al to include the impermeable layer of Piquet (FR 2,813,777) when Otten et al wants to deliver a substance to the user's hand and Piquet wants to ensure that a substance is not delivered to the user's hand. In response the argument regarding the Piquet reference, the Examiner notes that the Piquet reference is cited to show for its teaching of a disposable glove comprising a written material in which it would have been obvious to the skilled artisan to have provided the desired written/printed matter to the exterior surface of one of the panels of Otten et al in order to provide usage information or for aesthetic reasons as taught by Piquet.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The examiner can normally be reached on Monday - Friday; 11:30 am - 8:00 pm.

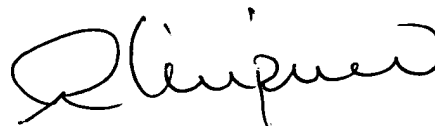
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Bahta
02/10/06



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